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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/918,665	07/31/2001	Janet E. Brandler	4734	2697

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EXAMINER

PHAN, HAU VAN

ART UNIT

PAPER NUMBER

3618

DATE MAILED: 08/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/918,665

Applicant(s)

BRANDLER, JANET E.

Examiner

Hau V Phan

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-13 and 16-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-13 and 16-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Acknowledgment***

1. The extension of time filed on 6/26/2003 has been considered.
2. The request for continued examination filed on 6/26/2003 has been considered.
3. The amendment filed on 4/1/2003 has been entered.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-4, 6-13 and 16-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1, 16 and 21, the phrase "may be" is not clear and whether it is a true limitation.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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**7. Claims 16-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Thiele (6,367,821).**

Thiele in figures 1-3, discloses a mobile children's seat (1), which can be used as both as seat and as a stroller comprising a seat portion (6) for supporting a child in a sitting position. The seat portion includes a bottom portion (43) and a back portion (32) for supporting the child's back in the seated position. Thiele also discloses a single wheel assembly (2) attached to the seat along fulcrum point of the children's vehicle seat for rolling the mobile children's seat along a surface, when the children's seat is in a tipped position. The single wheel assembly includes wheels (3) having a portion configure to contact a support surface when the mobile children's seat is used as a seat position or in a retracted position. When the mobile children's seat is used as a stroller or in an extended position the portion of the single wheel assembly being configured to contact a support surface. Thiele further discloses a handle assembly (5) integrated with the back portion of the children's seat for tipping the children's seat onto the single wheel assembly along the fulcrum point and pushing or pulling the mobile children's seat.

Regarding claim 17, Thiele discloses the first and second wheels (3) attached to a first side of the seat portion along the fulcrum point of the child's carriage. The first and second wheels positioned directly opposite one another (figures 2A).

Regarding claim 18, Thiele discloses U-shaped axle members (45, 46, figure 2) along the fulcrum point connecting the first and second wheels.

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Regarding claim 19, Thiele discloses the handle comprising at least one handle tube (19), which is incorporated into the back portion and at least one handle arm (12) that moveably contained within the at least one handle tube. The handle arm is being extendable and retractable from the handle tube.

Regarding claim 20, Thiele discloses the wheel assembly (2) and the handle (5), which are separable from the carriage's seat.

Regarding claim 21, Thiele in figures 1-3 discloses a children's vehicle seat (1), which can be used as both as seat and as a stroller comprising a seat portion (6) for supporting a child in a sitting position. The seat portion includes a bottom portion (43) having a first and second edges thereof. Thiele also discloses a back portion (32) connected to the seat portion to support a child's back in the sitting position and a single wheel assembly (2) attached to the seat portion at a fulcrum point of the children's vehicle seat. The single wheel assembly has at least one wheel (3), which is positioned inward toward a center of the seat portion from both the first and second side edges of the bottom portion. Thiele further discloses a handle (5) connected to the back portion for tipping the children's onto the at least one wheel to a reclined position for pushing or pulling the children's vehicle seat (figure 1).

***Allowable Subject Matter***

8. Claims 1-4 and 6-13 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

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***Response to Arguments***

9. Applicant's arguments with respect to claims 1-4, 6-13 and 16-21 have been considered but are moot in view of the new ground(s) of rejection.


***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hau V Phan whose telephone number is 703-308-2084. The examiner can normally be reached on 7:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Johnson can be reached on 703-308-0885. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

HP  
August 19, 2003

  
8/18/03  
**HAU PHAN**  
**PATENT EXAMINER**